

# **Judicial Branch Appropriations Bill Senate File 472**

*As Amended by S-3247*

Last Action:

House Floor

April 13, 2009

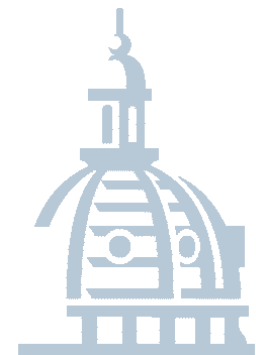
**An Act relating to and making appropriations to the Judicial Branch, and providing an effective date.**

## **NOTES ON BILLS AND AMENDMENTS (NOBA)**

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

**Fiscal Services Division**

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**EXECUTIVE SUMMARY  
NOTES ON BILLS AND AMENDMENTS**

**SENTE FILE 472 AS AMENDED BY S-3247  
JUDICIAL BRANCH APPROPRIATIONS BILL**

**HOUSE AMENDMENT S-3247**

*Page and line numbers refer to the location where the amendment action is inserted in SF 472.*

- Notwithstanding Section 602.1509, Code of Iowa, to allow judicial officers to waive travel reimbursement for any travel outside the judicial officer's county of residence. (Page 3, Line 24)
- Allows the language that permits judicial officers to waive travel reimbursement to take effect upon enactment. (Page 4, Line 17)

**BILL AS PASSED BY THE SENATE**

**FUNDING SUMMARY**

- Appropriates a total of \$149.2 million from the General Fund to the Judicial Branch. The Judicial Branch has 2,009.17 FTE positions that are not limited in this Bill. This is a decrease of \$2.9 million and an increase of 6.1 FTE positions compared to the estimated net FY 2009 General Fund appropriation. The increase in FTE positions is due to the receipt of two grants and Department of Human Services (DHS) funding for Drug Courts. The Bill also merges the Judicial Retirement appropriation line item into the Judicial Branch operating budget appropriation line item. This includes funding the employer's share of Judicial Retirement at 30.6%.

**STUDIES AND INTENT LANGUAGE**

- Prohibits the Judicial Branch from duplicating the State payroll system. (Page 1, Line 20)
- Requires the Judicial Branch to submit monthly financial statements to the Legislative Services Agency (LSA) and the Department of Management (DOM). (Page 1, Line 26)
- Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. (Page 2, Line 1)
- Specifies that the Offices of the Clerks of District Court operate in all 99 counties and be accessible to the public as much as reasonably possible. (Page 2, Line 4)
- Requires the Judicial Branch to notify the LSA prior to any interdepartmental transfer of funds. (Page 2, Line 9)
- Requires the Judicial Branch to provide a semi-annual report to the LSA specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). (Page 2, Line 18)
- Requires the Judicial Branch to report to the General Assembly by January 1, 2010, regarding the revenues and expenditures for the Enhanced Court Collections Fund and the Court Technology and Modernization Fund. The report is to include revenues and expenditures for FY 2009 and planned expenditures for FY 2010. (Page 2, Line 26)
- Requires the Judicial Branch to obtain bids from Iowa Prison Industries on furniture purchases exceeding \$5,000. (Page 3, Line 1)
- Allows a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence. (Page 3, Line 21)
- Requires the Judicial Branch to provide LSA with reports in electronic format. (Page 3, Line 25)

**EXECUTIVE SUMMARY  
NOTES ON BILLS AND AMENDMENTS**

**SENTE FILE 472 AS AMENDED BY S-3247  
JUDICIAL BRANCH APPROPRIATIONS BILL**

**SIGNIFICANT CHANGES TO THE  
CODE OF IOWA**

**EFFECTIVE DATES**

- Permits parties to a civil case, including a jury trial, to move the case to a contiguous county. (Page 3, Line 8)
- Allows the Supreme Court to order judicial officers to take unpaid leave in the same manner as the noncontract employees of the judicial branch. (Page 4, Line 1)
- The Section that permits judicial officers to take unpaid leave is effective on enactment. (Page 4, Line 15)
- This Bill is effective on July 1, 2009.

Senate File 472

Senate File 472 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
3	8	2	Nwthstnd	ALL	Permits Civil Trials to Move to Contiguous Counties
4	1	5	Nwthstnd	Sec. 11, Chapter 1191, 2008 Iowa Acts	Permits Unpaid Leave of Judicial Officers

S-3247

SF472 as amended by S-3247 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	3	3	Nwthstnd	Sec. 602.1509	Travel Reimbursement

1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the  
1 3 state to the judicial branch for the fiscal year beginning  
1 4 July 1, 2009, and ending June 30, 2010, the following amount,  
1 5 or so much thereof as is necessary, to be used for the  
1 6 purposes designated:  
1 7 For salaries of supreme court justices, appellate court  
1 8 judges, district court judges, district associate judges,  
1 9 judicial magistrates and staff, state court administrator,  
1 10 clerk of the supreme court, district court administrators,  
1 11 clerks of the district court, juvenile court officers, board  
1 12 of law examiners and board of examiners of shorthand reporters  
1 13 and judicial qualifications commission; receipt and  
1 14 disbursement of child support payments; reimbursement of the  
1 15 auditor of state for expenses incurred in completing audits of  
1 16 the offices of the clerks of the district court during the  
1 17 fiscal year beginning July 1, 2009; and maintenance,  
1 18 equipment, and miscellaneous purposes:  
1 19 ..... \$149,184,957

General Fund appropriation to the Judicial Branch for operations.

DETAIL: This is a decrease of \$2,872,790 compared to the estimated net FY 2009 appropriation. This includes the transfer of the Judicial Retirement appropriation into the Judicial Branch operating budget appropriation. This funds the employer's share of Judicial Retirement at 30.6%. The decrease reflects the application of a 1.9% across-the-board reduction to the Judicial Branch.

1 20 2. The judicial branch, except for purposes of internal  
1 21 processing, shall use the current state budget system, the  
1 22 state payroll system, and the Iowa finance and accounting  
1 23 system in administration of programs and payments for  
1 24 services, and shall not duplicate the state payroll,  
1 25 accounting, and budgeting systems.

Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and recordkeeping system.

1 26 3. The judicial branch shall submit monthly financial  
1 27 statements to the legislative services agency and the  
1 28 department of management containing all appropriated accounts  
1 29 in the same manner as provided in the monthly financial status  
1 30 reports and personal services usage reports of the department  
1 31 of administrative services. The monthly financial statements  
1 32 shall include a comparison of the dollars and percentage spent

Requires the Judicial Branch to submit monthly financial statements on all appropriated accounts to the Fiscal Services Division of the Legislative Services Agency (LSA) and the Department of Management (DOM). Specifies what is to be included in the financial statements.

1 33 of budgeted versus actual revenues and expenditures on a  
1 34 cumulative basis for full-time equivalent positions and  
1 35 dollars.

2 1 4. The judicial branch shall focus efforts upon the  
2 2 collection of delinquent fines, penalties, court costs, fees,  
2 3 surcharges, or similar amounts.

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.

2 4 5. It is the intent of the general assembly that the  
2 5 offices of the clerks of the district court operate in all 99  
2 6 counties and be accessible to the public as much as is  
2 7 reasonably possible in order to address the relative needs of  
2 8 the citizens of each county.

Specifies that it is the intent of the General Assembly that the Judicial Branch operate Clerk of Court offices in all 99 counties and ensure the offices are accessible to the public as much as reasonably possible.

2 9 6. In addition to the requirements for transfers under  
2 10 section 8.39, the judicial branch shall not change the  
2 11 appropriations from the amounts appropriated to the judicial  
2 12 branch in this Act, unless notice of the revisions is given  
2 13 prior to their effective date to the legislative services  
2 14 agency. The notice shall include information on the branch's  
2 15 rationale for making the changes and details concerning the  
2 16 workload and performance measures upon which the changes are  
2 17 based.

Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds. Specifies the contents of the notice.

2 18 7. The judicial branch shall submit a semiannual update to  
2 19 the legislative services agency specifying the amounts of  
2 20 fines, surcharges, and court costs collected using the Iowa  
2 21 court information system since the last report. The judicial  
2 22 branch shall continue to facilitate the sharing of vital  
2 23 sentencing and other information with other state departments  
2 24 and governmental agencies involved in the criminal justice  
2 25 system through the Iowa court information system.

Requires the Judicial Branch to provide a semi-annual report to the LSA, specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Requires the Judicial Branch to continue to share vital sentencing and other information with departments and government agencies involved with the criminal justice system through the Iowa Court Information System.

2 26 8. The judicial branch shall provide a report to the

Requires the Judicial Branch to report to the General Assembly by

2 27 general assembly by January 1, 2010, concerning the amounts  
2 28 received and expended from the enhanced court collections fund  
2 29 created in section 602.1304 and the court technology and  
2 30 modernization fund created in section 602.8108, subsection 7,  
2 31 during the fiscal year beginning July 1, 2008, and ending June  
2 32 30, 2009, and the plans for expenditures from each fund during  
2 33 the fiscal year beginning July 1, 2009, and ending June 30,  
2 34 2010. A copy of the report shall be provided to the  
2 35 legislative services agency.

January 1, 2010, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2009 and planned expenditures for FY 2010. The Judicial Branch is required to provide a copy of this report to the LSA.

3 1 9. The judicial branch is encouraged to purchase products  
3 2 from Iowa state industries, as defined in section 904.802,  
3 3 when purchases are required and the products are available  
3 4 from Iowa state industries. The judicial branch shall obtain  
3 5 bids from Iowa state industries for purchases of office  
3 6 furniture during the fiscal year beginning July 1, 2009,  
3 7 exceeding \$5,000.

Beginning July 1, 2009, requires the Judicial Branch to obtain bids from Iowa Prison Industries for office furniture purchases exceeding \$5,000.

3 8 Sec. 2. CIVIL TRIALS == LOCATION. Notwithstanding any  
3 9 provision to the contrary, for the fiscal year beginning July  
3 10 1, 2009, and ending June 30, 2010, if all parties in a case  
3 11 agree, a civil trial including a jury trial may take place in  
3 12 a county contiguous to the county with proper jurisdiction,  
3 13 even if the contiguous county is located in an adjacent  
3 14 judicial district or judicial election district. If the trial  
3 15 is moved pursuant to this section, court personnel shall treat  
3 16 the case as if a change of venue occurred. However, if a  
3 17 trial is moved to an adjacent judicial district or judicial  
3 18 election district, the judicial officers serving in the  
3 19 judicial district or judicial election district receiving the  
3 20 case shall preside over the case.

CODE: Permits parties to a civil case, including a jury trial, to move the case to a contiguous county, even if it crosses a judicial district for one year (FY 2010). If the case is moved, the judicial officers in the judicial district that receives the case will preside over the case.

3 21 Sec. 3. TRAVEL REIMBURSEMENT. For the fiscal year  
3 22 beginning July 1, 2009, a judicial officer may waive travel  
3 23 reimbursement for any travel outside the judicial officer's

Permits a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence.

3 24 county of residence to conduct official judicial business.

\*S-3247

- \* 1 3 #1. Page 3, by striking lines 21 and 22 and
- \* 1 4 inserting the following:
- \* 1 5 "Sec. . TRAVEL REIMBURSEMENT. Notwithstanding
- \* 1 6 section 602.1509, a judicial officer may waive
- \* 1 7 travel".

3 25 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==  
 3 26 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports  
 3 27 required to be provided by the judicial branch for fiscal year  
 3 28 2009=2010 to the legislative services agency shall be provided  
 3 29 in an electronic format. The legislative services agency  
 3 30 shall post the reports on its internet web site and shall  
 3 31 notify by electronic means all the members of the joint  
 3 32 appropriations subcommittee on the justice system when a  
 3 33 report is posted. Upon request, copies of the reports may be  
 3 34 mailed to members of the joint appropriations subcommittee on  
 3 35 the justice system.

4 1 Sec. 5. JUDICIAL OFFICER == UNPAID LEAVE. Notwithstanding  
 4 2 the annual salary rates for judicial officers established by  
 4 3 2008 Iowa Acts, chapter 1191, section 11, for the fiscal  
 4 4 period beginning July 1, 2008, and ending June 30, 2010, the  
 4 5 supreme court may by order place all judicial officers on  
 4 6 unpaid leave status on any day employees of the judicial  
 4 7 branch are placed on temporary layoff status. The biweekly  
 4 8 pay of the judicial officers shall be reduced accordingly for  
 4 9 the pay period in which the unpaid leave date occurred in the  
 4 10 same manner as for noncontract employees of the judicial  
 4 11 branch. Through the course of the fiscal period, the judicial  
 4 12 branch may use an amount equal to the aggregate amount of  
 4 13 salary reductions due to the judicial officer unpaid leave  
 4 14 days for any purpose other than for judicial salaries.

**HOUSE AMENDMENT:**

CODE: Notwithstanding Section 602.1509, Code of Iowa, to permit a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence.

Requires the Judicial Branch to provide the LSA with reports in electronic format so that the reports can be placed on the LSA website. The LSA is to notify members of the Justice System Appropriations Subcommittee when reports have been received and published.

CODE: Allows the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch through FY 2010.

FISCAL IMPACT: The overall fiscal impact of one day of unpaid leave, including both noncontract personnel and judicial officers, is \$433,000. The fiscal impact of one temporary layoff day for 1,604 noncontract Judicial Branch employees is \$335,000. The fiscal impact of one unpaid leave day for the 385 judicial officers, including Magistrates and Senior Judges, is \$98,000.

4 15 Sec. 6. EFFECTIVE DATE. The section of this Act  
4 16 permitting unpaid leave for judicial officers, being deemed of  
4 17 immediate importance, takes effect upon enactment.

The provision permitting unpaid leave of judicial officers is effective on enactment.

\*S-3247

\* 1 8 #2. Page 4, line 15, by striking the word  
\* 1 9 "section" and inserting the following: "sections".

**HOUSE AMENDMENT:**

CODE: Technical correction. Permits the travel reimbursement waiver language to take affect upon enactment.

\*S-3247

\* 1 10 #3. Page 4, line 16, by inserting after the word  
\* 1 11 "permitting" the following: "waiver of travel  
\* 1 12 reimbursement and".

**HOUSE AMENDMENT:**

CODE: Technical correction.

\*S-3247

\* 1 13 #4. Page 4, line 17, by striking the word "takes"  
\* 1 14 and inserting the following: "take".

**HOUSE AMENDMENT:**

CODE: Technical correction.

4 18 SF 472  
4 19 jm/jp/jh/26

\*S-3247

\* 1 15 #5. By renumbering as necessary.  
\* 1 16 SF 472.H  
\* 1 17 jm/cm/25

## Summary Data

### General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	House Action FY 2010	House Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Justice System	\$ 148,396,285	\$ 152,057,747	\$ 149,184,957	\$ 149,184,957	\$ -2,872,790	
<b>Grand Total</b>	<u><u>\$ 148,396,285</u></u>	<u><u>\$ 152,057,747</u></u>	<u><u>\$ 149,184,957</u></u>	<u><u>\$ 149,184,957</u></u>	<u><u>\$ -2,872,790</u></u>	

# Justice System

## General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	House Action FY 2010	House Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b>Judicial Branch</b>						
Judicial Branch	\$ 144,945,322	\$ 148,606,784	\$ 149,184,957	\$ 149,184,957	\$ 578,173	PG 1 LN 1
Judicial Retirement	3,450,963	3,450,963	0	0	-3,450,963	
<b>Total Judicial Branch</b>	<b>\$ 148,396,285</b>	<b>\$ 152,057,747</b>	<b>\$ 149,184,957</b>	<b>\$ 149,184,957</b>	<b>\$ -2,872,790</b>	
<b>Total Justice System</b>	<b>\$ 148,396,285</b>	<b>\$ 152,057,747</b>	<b>\$ 149,184,957</b>	<b>\$ 149,184,957</b>	<b>\$ -2,872,790</b>	